The opinion in support of the decision being entered today was <u>not</u> written for publication in a law journal and is <u>not</u> binding precedent of the Board.

## UNITED STATES PATENT AND TRADEMARK OFFICE

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte WADE WALKE, NATHANIEL L. WILGANOWSKI, GREGORY DONOHO, and C. ALEXANDER TURNER, JR. MAILED

FEB 1 6 2005

U.S. PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

Application 09/755,016

**ORDER DISMISSING APPEAL** 

Before HARKCOM, Acting Chief Administrative Patent Judge, WILLIAM F. SMITH and GRIMES, Administrative Patent Judges.

## Per curiam.

An "ORDER UNDER 37 CFR § 41.50(d)" was mailed on January 6, 2005. In response, appellants filed a withdrawal of the application "in order to pursue claims in a continuing application, which was filed on February 2, 2005."

Accordingly, it is

ORDERED that the appeal is <u>dismissed</u>.

The application is being returned to the examiner for further action as may be appropriate.

Gary V. Harkcom, Acting Chief Administrative Patent Judge

William F. Smith

Administrative Patent Judge

APPEAL

**BOARD OF PATENT** 

) INTERFERENCES

Eric Grimes

Administrative Patent Judge

Lexicon Genetics Inc. 8800 Technology Forest Place The Woodlands, TX 77381-1160

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